

Chapter 15 - Recall of NOAA Corps Officers on the Retired List to Active Duty

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PART 1—General Provisions

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Part 1 – General Provisions**15101 AUTHORITY FOR RECALL**

- A. NOAA Corps officers are subject to the provisions of Title 10, Chapter 39 of the United States Code concerning the recall of retired NOAA Corps officers to active duty. [33 U.S.C. 3049] The NOAA Corps will adhere to the provisions of DOD Directive 1352.1 (March 2, 1990), Management and Mobilization of Regular and Reserve Retired Military Members, to the extent applicable. A copy of this Directive is found in Appendix 15.1.
- B. The Secretary may order a NOAA Corps officer on the retired list to active duty at any time. [33 U.S.C. 3049; 10 U.S.C. 688(a)]

15102 ORDER TO ACTIVE DUTY DURING PEACETIME

- A. Voluntary. The Secretary may order NOAA Corps officers to active duty with their consent at any time. [10 U.S.C. 688]
- B. Involuntary. The Secretary may order any NOAA Corps officer on the retired list to active duty without the NOAA Corps officer's consent at any time to perform duties deemed necessary in the interests of national defense. [10 U.S.C. 688(c)]

15103 INVOLUNTARY ORDER TO ACTIVE DUTY OTHER THAN DURING PEACETIME

- A. The Director, on behalf of the Secretary may order any NOAA Corps officer on the retired list [who has completed at least 20 years of active service] to active duty at any time to perform duties deemed necessary in the interests of national defense. [10 U.S.C. 688(c)] [delegations]

15104 AUTHORIZED REASONS FOR RECALL

- A. The Secretary may, to the extent consistent with other provisions of law, assign a NOAA Corps officer on the retired list ordered to active duty to such duties as the Secretary considers necessary in the interests of national defense. [10 U.S.C. 688(c)] The Secretary has delegated this authority to the Under Secretary, who in turn has re-delegated this authority to the Director. [delegations]
- B. NOAA Corps officers on the retired list shall be ordered to active duty (as needed) to fill personnel shortfalls due to mobilization or other emergencies. [10 U.S.C. 688] NOAA Corps officers on the retired list may be recalled for the following reasons (DOD Directive 1352.1, Section A (Policy)).

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- (1) To fill shortages in, or to augment, activities in the continental United States, Alaska, and Hawaii.
- (2) Subject to the limitations of 10 U.S.C. 973, to fill Federal civilian workforce shortages within the Federal Government.
- (3) To meet national security needs.

15105 LIMITATIONS

- A. Except during time or war or national emergency as declared by Congress or the President [10 U.S.C. 688(f)], a NOAA Corps officer who retired under 10 U.S.C. 638(d) may not be recalled to active duty. [10 U.S.C. 688(d); 33 U.S.C. 3048]
- B. A NOAA Corps officer on the retired list who is ordered to active duty may not serve on active duty pursuant to orders for more than 12 months within the 24 months following the first day of the active duty to which ordered. [10 U.S.C. 688(e)(1)] This limitation does not apply during time of war or national emergency as declared by Congress or the President. [10 U.S.C. 688(f)]

15106 GRADE IN WHICH ORDERED TO ACTIVE DUTY AND UPON RELEASE FROM ACTIVE DUTY

- A. A retired NOAA Corps officer ordered to active duty shall be ordered to active duty in the NOAA Corps officer's retired grade [10 U.S.C. 689(a)], with the following exceptions:
 - (1) A retired NOAA Corps officer ordered to active duty whose retired grade is above the grade of rear admiral shall be returned to active duty in the highest permanent grade held by the NOAA Corps officer while serving on active duty. [10 U.S.C. 689(b)]
 - (2) A retired NOAA Corps officer ordered to active duty who has previously served on active duty satisfactorily, as determined by the Secretary, in a grade higher than the NOAA Corps officer's retired grade may be ordered to active duty in the highest grade in which the NOAA Corps officer had served satisfactorily, except that such a NOAA Corps officer may not be ordered to active duty in a grade above rear admiral. [10 U.S.C. 689(c)(1)]

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- (3) A retired NOAA Corps officer ordered to active duty in a grade that is higher than the NOAA Corps officer's retired grade shall be treated for purposes of 10 U.S.C. 690 (which limits the number of flag officers that can be recalled) as if the NOAA Corps officer was promoted to that higher grade while on that tour of active duty. [10 U.S.C. 689(c)(2)]
 - (4) If, upon being released from that tour of active duty, a retired NOAA Corps officer has served on active duty satisfactorily, as determined by the Secretary, for not less than a total of 36 months in a grade that is a higher grade than the NOAA Corps officer's retired grade, the NOAA Corps officer is entitled to placement on the retired list in that grade. [10 U.S.C. 689(c)(3)]
- B. A NOAA Corps officer ordered to active duty pursuant to 10 U.S.C. 688 who, while on active duty, is promoted to a grade that is higher than the NOAA Corps officer's retired grade is entitled, upon that NOAA Corps officer's release from that tour of active duty, to placement on the retired list in the highest grade in which the NOAA Corps officer served on active duty satisfactorily, as determined by the Secretary, for not less than six months. [10 U.S.C. 689(d)]

15107 AVIATORS

- A. The Secretary may order to active duty a retired NOAA Corps officer having expertise as an aviator to fill staff positions normally filled by aviators on active duty. Any such order may be made only with the consent of the NOAA Corps officer ordered to active duty and in accordance with an agreement between the Secretary and the NOAA Corps officer. [10 U.S.C. 688a(a)]
- B. The period of active duty or a NOAA Corps officer under an order to active duty pursuant to 10 U.S.C. 688a(a) shall be specified in the agreement entered into under that provision. [10 U.S.C. 688a(b)]
- C. The authority to order a retired NOAA Corp officer to active duty pursuant to 10 U.S.C. 688a is in addition to the authority under 10 U.S.C. 688 or any other provision of law authorizing the Secretary concerned to order a retired NOAA Corps officer to active duty. [10 U.S.C. 688a(d)]
- D. A NOAA Corps officer may not be ordered to active duty pursuant to 10 U.S.C. 688a after September 30, 2008. [10 U.S.C. 688a(f)]

Part 2–Definitions

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Part 2 – Definitions

15201 CATEGORIES OF RETIRED OFFICERS

- A. Retired NOAA Corps officers in Category I are non-disability NOAA Corps officers on the retired list under age 60 who have been retired less than five years.
- B. Retired NOAA Corps officers in Category II are non-disability NOAA Corps officers on the retired list under age 60 who have been retired five years or more.
- C. Retired NOAA Corps officers in Category III are NOAA Corps officers on the retired list, including those retired for disability, other than category I or II retired NOAA Corps officers.

15202 KEY EMPLOYEES AND POSITIONS

- A. Key employee means any retired NOAA Corps officer identified by his or her employer, private or public, as filling a key position.
- B. Key position means a civilian position, public or private (designated by the employer and approved by the Secretary), that cannot be vacated during war or national emergency.

15203 RETIRED OFFICER

- A. The terms “officer on the retired list” and “retired officer” are used interchangeably.

Part 3—Retired NOAA Corps Officer Management System

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Part 3 – Retired NOAA Corps Officer Management System**15301 PURPOSE OF RETIRED NOAA CORPS OFFICER MANAGEMENT SYSTEM**

- A. The Director, Commissioned Personnel Center (CPC), or his/her designee, shall develop a system for management of NOAA Corps officers on the retired list. This system shall provide for rapid identification of the location and skills of each retired NOAA Corps officer to expedite reporting of retired NOAA Corps officers to a wide range of assignments and geographic locations in mobilization or crisis.

15302 RESPONSIBILITIES OF DIRECTOR, COMMISSIONED PERSONNEL CENTER

- A. The Director, CPC or his/her designee, shall:
- (1) Develop procedures for identifying category I and II (NCD 15201) retirees and conduct screening of retirees in accordance with these directives and the provisions of DOD Directive 1352.1 (March 2, 1990), (NCD 15101A).
 - (2) Maintain personnel records and other necessary records for NOAA Corps officers on the retired list, including date of birth, date of retirement, current address, and documentation of military qualifications. Maintain records for category I and II retired NOAA Corps officers and their availability for mobilization, civilian employment, mental, and physical condition. Indication of physical condition may be from certification by the individual NOAA Corps officer.
 - (3) Advise NOAA Corps officers on the retired list of their duty to provide CPC with accurate mailing addresses and any changes in civilian employment, military qualifications, and availability for service, mental and physical condition.
 - (4) Pre-assign NOAA Corps officers on the retired list, when appropriate and as necessary.
 - (5) Determine the necessity for, and the frequency of, refresher training of NOAA Corps officers on the retired list, based on the needs of the NOAA Corps and the specific skill of the NOAA Corps officer. Emphasis should be on voluntary refresher training. Civilian-acquired skills may eliminate the need for refresher training.

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6. Develop criteria for assignment of individuals to specific billets. These criteria shall include consideration of the criticality of the mobilization billet, the skills of the individual, and his/her geographic proximity to the place of assignment. These criteria shall also provide that, to the extent possible, retired NOAA Corps officers should be given the opportunity to volunteer for specific assignments.

15303 REQUIREMENT VALIDATION

- A. CPC shall review and validate each mobilization requirement. The criteria considered shall be the structure of the organization, the expanded workload requirements in a mobilization environment, current manpower authorizations, and existing manpower infrastructures supporting the organizations.

15304 ASSIGNMENT PRIORITY

- A. Except in time of war or national emergency, the priority for use of NOAA Corps officers on the retired list shall be:
 - (1) NOAA Marine and Aviation Operations;
 - (2) National Oceanic and Atmospheric Administration, or one of its components;
 - (3) another commissioned service or a Defense Agency;
 - (4) the Department of Commerce;
 - (5) a civilian federal Department or Agency other than the Department of Commerce or;
 - (6) any other approved use.

15305 PRE-ASSIGNMENT OF NOAA CORPS OFFICERS

- A. When deemed appropriate by CPC, retired NOAA Corps officers who are mentally and physically qualified may be pre-assigned in peacetime, either voluntarily or involuntarily, to installations or to mobilization positions that must be filled within 30 days after mobilization.

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- B. Key employees and category III retirees shall not be pre-assigned involuntarily.
- C. All retired NOAA Corps officers pre-assigned to mobilization positions or installations, either voluntarily or involuntarily, shall be issued pre-assignment or contingent pre-assignment orders.
- D. Retired NOAA Corps officers who live overseas shall be pre-assigned in peacetime, as determined by the Secretary, to meet mobilization augmentation requirements at overseas, U.S., or allied installations or activities that are near their place of residence.

15306 CATEGORY III RETIRED NOAA CORPS OFFICERS

- A. The nature and extent of the mobilization of category III retired NOAA Corps officers shall be determined by CPC, based on the NOAA Corps officer's skill and, if applicable, the nature and degree of the NOAA Corps officer's disability. Category III retired NOAA Corps officers generally should be assigned to civilian jobs, unless they have critical skills or volunteer for specific jobs normally reserved for NOAA Corps officers. Age or disability alone may not be the sole basis for excluding a retired NOAA Corps officer from active service during mobilization.

15307 KEY POSITIONS

- A. All NOAA Corps officers on the retired list shall inform their employers concerning their liability for recall to active duty in a mobilization or national emergency, and, when applicable, the procedures for designating their position as a key position.
- B. Key Position Designation Guidelines.
 - 1. In determining whether or not a position should be designated as a key position, employers should consider the following criteria:
 - (a) Can the position be filled in a reasonable time after mobilization?
 - (b) Does the position require technical or managerial skills that are possessed uniquely by the incumbent?
 - (c) Is the position associated directly with defense mobilization?

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- (d) Does the position include a mobilization or relocation assignment in an agency having emergency functions, as designated by Executive Order 12656 (November 18, 1988), Assignment of Emergency Preparedness Responsibilities?
 - (e) Is the position directly associated with industrial or manpower mobilization, as designated in Executive Order 11062 (November 19, 1962), Amendment of Executive Order 10480, Relating to the Administration of the Defense Mobilization Program, so as to designate the Department of Defense as a loan-guaranteeing agency?
 - (f) Are there other factors related to national defense, health, or safety that would make the incumbent of the position unavailable for mobilization?
- 2. Employers who determine that a retired NOAA Corps officer is filling a key position and should not be recalled to active duty in an emergency should report that determination to the CPC. Retired NOAA Corps officers shall cooperate with and assist their employers in notifying the CPC of this determination.